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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,900	02/12/2002	Isabelle Arnould-Reguigne	03806.0537	3572

5487 7590 09/19/2005

ROSS J. OEHLER  
 AVENTIS PHARMACEUTICALS INC.  
 ROUTE 202-206  
 MAIL CODE: D303A  
 BRIDGEWATER, NJ 08807

EXAMINER

EMCH, GREGORY S

ART UNIT	PAPER NUMBER
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1649

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,900

Applicant(s)

ARNOULD-REGUIGNE ET AL.

Examiner

Gregory S. Emch

Art Unit

1649

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: PTO-90C. RSL FROM ADPURT GSE

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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09122005

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem Report.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory S. Emch whose telephone number is (571) 272-8149. The examiner can normally be reached on Monday through Friday from 8:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet L. Andres can be reached at (571) 272-0867. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory S. Emch, Ph. D.

Patent Examiner

Art Unit 1649

September 12, 2005

  
**JOSEPH MURPHY**  
**PATENT EXAMINER**

<b>Notice to Comply</b>	Application No. 10/072,900	Applicant(s) ARNOULD-REGUIGNE	
	Examiner Gregory S. Emch	Art Unit 1649	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

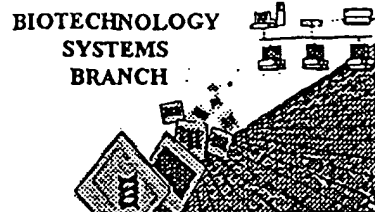
For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/072 900A  
Source: 1FW16  
Date Processed by STIC: 8/19/04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

~~TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER~~  
VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - cPAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box-1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 06/05/04):  
U.S. Patent and Trademark Office, 220 20<sup>th</sup> Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202

Revised 05/17/04



IFW16

## RAW SEQUENCE LISTING

DATE: 08/19/2004

PATENT APPLICATION: US/10/072,900A

TIME: 10:06:51

Input Set : A:\PTO.LM.txt

Output Set: N:\CRF4\08192004\J072900A.raw

3 <110> APPLICANT: Aventis Pharma SA  
4 ARNOULD-REGUIGNE, Isabelle  
5 PRADES, Catherine  
6 ROSIER-MONTUS, Marie-Francoise  
7 NAUDIN, Laurent  
8 LEMOINE, Cendrine  
9 DEAN, Michael  
10 DENEFFLE, Patrice  
12 <120> TITLE OF INVENTION: NUCLEIC ACIDS OF THE HUMAN ABCA12 GENE, VECTORS CONTAINING  
SUCH NUCLEIC  
13 ACIDS, AND USES THEREOF  
15 <130> FILE REFERENCE: 03806.0537  
C--> 17 <140> CURRENT APPLICATION NUMBER: US/10/072,900A  
C--> 17 <141> CURRENT FILING DATE: 2002-02-12  
17 <150> PRIOR APPLICATION NUMBER: US 60/267,715  
18 <151> PRIOR FILING DATE: 2001-02-12  
E--> 20 <160> NUMBER OF SEQ ID NOS: 38 40 (P.2)  
22 <170> SOFTWARE: PatentIn version 3.0

Does Not Comply  
Corrected Diskette Needed

ERRORED SEQUENCES

10/072,900A 2

<210> 40 *last sequence is submitted file*

<211> 68

<212> DNA

<213> Artificial

<220>

<223> primer

<400> 40

ctctagaatt cggcctccgt ggccgtttaa acgctagcgc ccgggcttaa ttaagtcgac 60

tctagagc 68

*FBI*

Use of n and/or Xaa has been detected in the Sequence Listing.  
Review the Sequence Listing to insure a corresponding  
explanation is presented in the <220> to <223> fields of  
each sequence using n or Xaa.

RAW SEQUENCE LISTING ERROR SUMMARY      DATE: 08/19/2004  
PATENT APPLICATION: US/10/072,900A      TIME: 10:06:52

Input Set : A:\PTO.LM.txt  
Output Set: N:\CRF4\08192004\J072900A.raw

Invalid <213> Response:

Use of "Artificial" only as "<213> Organism" response is incomplete,  
per 1.823(b) of New Sequence Rules. Valid response is Artificial Sequence.

Seq#:7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31  
Seq#:32,33,34,35,36,37,38,39,40



VERIFICATION SUMMARY

PATENT APPLICATION: US/10/072,900A

DATE: 08/19/2004

TIME: 10:06:52

Input Set : A:\PTO.LM.txt

Output Set: N:\CRF4\08192004\J072900A.raw

L:17 M:270 C: Current Application Number differs, Replaced Current Application No  
L:17 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:30 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:1  
L:318 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:8460  
L:320 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:8520  
L:324 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:8640  
L:328 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:8760  
L:347 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:2  
L:531 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:5340  
L:627 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:8220  
L:629 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:8280  
L:633 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:8400  
L:637 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2 after pos.:8520  
L:1222 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:5  
L:1562 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5 after pos.:1728  
L:1742 M:257 W: Feature value mis-spelled or invalid, <221> Name/Key for SEQ ID#:6  
L:2076 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:1698  
L:20 M:203 E: No. of Seq. differs, <160> Number Of Sequences:Input (38) Counted (40)